One other point raised is that more than 80,000 people are paying less than 10 rupees as tax. That is the argument for dropping the land revenue. It will benefit 80,000 people and the Government will lose at best 4 lakhs which can easily be gained by adding a pie in the rupee to the income tax. I do not think that I should speak much on this subject. I withdraw the motion.

Motion, by leave, withdrawn

CUT MOTION No. 7

Communal rotation in the appointment of Diwan Peishkar

Mr. A. V. Moothedan *(Chalakkudi):* I beg to move *to reduce the allotment of Rs. 90,979 for Diwan Peishkar's Establishment by Re. 1.* My object is *to request the Government that the Diwan Peishkar should be a Christian for the next 10 years, then an Ezhuva then a Muslim and so on.* Sir, in living memory so far in Cochin all these Diwan Peishkars have been caste Hindus. For a few months our present Excise Commissioner had been appointed as officiating Diwan Peishkar.

Mr. V. K. Bhaskara Menon *(Cranganur):* What about Mr. Chacko ?

Mr. A. V. Moothedan *(Chalakkudi):* Mr. Chacko was something else. Some say he had been the Diwan Peishkar. Some say he was not.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Can you give the first chance to an Ezhuva ?

Mr. A. V. Moothedan *(Chalakkudi):* I am coming to that. So far there have been only Caste Hindus as Diwan Peishkars. On the general principles of communal representation it is only fair that a Christian or one from any other communities is appointed as Diwan Peishkar according to the availability and suitability of candidates. This period of ten years need not be followed rigidly.

Mr. V. K. Bhaskara Menon *(Cranganur):* Then why did you put there ?

Mr. A. V. Moothedan *(Chalakkudi):* As I said it should not be a monopoly for caste Hindu. Every subject of His Highness the Maharaja should have the right to work as Diwan Peishkar. As far as the Christian community is concerned we are suffering great hardship. I shall state only one point. Under the Religious Worship Act of 1062, permission is required for the erection of places of public worship, namely, churches, etc. Under that the Diwan Peishkar is given powers to receive applications for erecting places of public worship. I know of one instance from my constituency. For Kodakara, a hilly region the nearest church is the Perambara church. They want to build a church there. That was objected to. When everybody is condemning materialism why should you object poeple who are religiously minded, who want to erect temples, churches, etc. I say it is for the good administration of the State if religion is respected. I shall take one instance, for instance theft. The Police Commissioner will not be able to guard all people from committing theft. Religion says that nobody should commit theft. If that feeling is inculcated into the minds of the people which could be done through the places of public worship there will be no theft. There have been three applications made by the people. First it was stated that the place where they wanted to construct the church was very near the public road. The second application was rejected for some other reason. When we see all these things we lose confidence in the Government because there is no temple or church very near the place. These are some of the hardships which the other communities may also be suffering. If a Christian has been appointed as Diwan Peishkar, he will be able to realise our difficulties better. This is not monopoly of any section of the people. With these words, I commend the motion for the acceptance of the House.

Mr. President: I may inform Hon'ble Members that there is no such declaration that the Diwan Peishkar should be of a particular community.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* There is a rule that one of the Judges of the High Court should always be a christian and it is a monopoly of the Christian community. Will the Hon'ble Member like to change that and give that place to a member of other community.

Mr. A. V. Moothedan *(Chalakkudi):* I want notice for it. You may bring a Bill and I will say what I have to say then.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Your cut motion will force us to do it.

Mr. A. V. Moothedan *(Chalakkudi):* The Diwan Peishkar's post is very important. There is opportunity for helping the people and for conferring patronage on many people. In

LIBRARY ARCHIVES Kerala Legislative Assembly

olden days after the Diwan comes the Diwan Peishkar and it is a very important post and we are very much aggrieved that we are not allowed to hold that office, say even for one year. That is why I bring this motion before the House. It may be rejected or accepted. But there is the grievance.

Shabdai S. Kodar *(Nominated):* I rise to second this motion. I have to state that we Jews have been in this State for nearly 2,000 years, and I have never seen a Jew selected as Diwan Peishkar or for the matter of fact any head of the department there have been Anglo-Indians, Christians and we also got a Muslim as a head of the department now. So if you are going to follow communal rotation I would suggest that the first preference must be given to Jews. We have got more claim than any other community.

Mr. V. J. Mathai *(Planters):* I have to give a calculation. The Jews in the State are about 1,500 or 2,000. We have got one million and half of people in the land. If you divide 15,00,000 by 2,000 the fraction is 1/750. I must therefore oppose Mr. Kodar's motion. He said they have waited for 2,000 years. According to this calculation they get only 1/750; So they have to wait for 7,500 years. Taking the Diwan Peishkars community which is 15,000 in the land, they get exactly 1/100. So that if Mr. Prabhu has been the Diwan Peishkar another member of Goudasaraswath community will get the Diwan Peishkar's post only after 1,000 years. That is what we are coming to. My views on this question are clear, absolutely clear.

Mr. M. Krishna Menon *(Trichur South):* I rise to oppose this motion. We would have credited the Hon'ble Member for Chalakkudi if he had tabled a cut motion stating that alternatively there must be gentlemen and lady Diwan Peishkars. Now I find no kernel in this motion. I do not oppose this motion simply on the fact that no Nayar has been included in the list or is relegated to the back-ground. There was an appointment of the Diwan Peishkar in Mr. Lonappan. Now there is no serious objection or a hue and cry in regard to that appointment. But there was an objection because we lost a good Judge. It is not the man and the caste of the man that should count with the Government. Efficient and competent Diwan Peishkars we want, and we have no quarrel with the communal representation being adopted by the Government whether it be for the higher service or in the lower services, and I find that even a qualification is not prescribed in this motion, simply saying that a Christian should be appointed. So I say efficiency must also be respected. Communal rotation alone should not be the criterion for the appointment of the Diwan Peishkar. I remember in my younger days, when Mr. Mathai retired as the Inspector of the Schools, and Mr. V. K. Achutha Menon stepped into his shoes, we use to say that "Mr. Achutha Menon" has become "Mathai". It was not with a communal aspect that we looked upon Mr. Achutha Menon or Mr. Mathai. Now in these days of rank communalism I say that efficiency should not be lost sight of in making appointments. So I rise to oppose this motion.

Mr. A. B. Salem *(Mattancheri):* I also strongly oppose this motion. This motion cuts at the root of all efficiency, merit and competancy. Efficiency and competency alone should be taken into consideration in making appointments in public service. This State has been doing that and standing upon that. But some how or other on an evil day the Government meekly submitted to this communal devil coming into the service, with the result today, I make bold to say, that efficiency has gone down and efficiency and competency are lost. I do not say competency is not existing at all. But we know the difficulty of this inefficieney coming up and growing in the grounds of the services of the State and woe be to the State if they do not change that policy completely. They must only recognise merit. Every Cochinite whether he is an Ezhuva, Muslim or any other community has got the right to have his merit recognised at the Public Services Examination and nobody should be debarred. Is it enough if you put on the garb of a Christian? So that is not the criterion. Public servants must be recruited only upon grounds of merit and efficiency and nobody should be debarred. They will say that efficiency is not the monopoly of a particular caste. But efficiency and brain should always be the criterion; and if you man your services with the inefficient communal people you will find that you will get only fourth rate people to govern first rate man. I give this warning and ask the Government never to enter any such communal differentiation in the recruitment of officers to the services whether in the lower or higher cadre. The sooner you abolish the communal urge the better for you.

The House rose for lunch at 1-30 p.m. and re-assembled at 2-30 p.m. with the Deputy President in the Chair.

Deputy President : A notification of the dissolution of the Chittur Municipal Council is placed on the table.

LIBRARY ARCHIVES Kerala Legislative Assembly

മിസ്റ്റർ എം. നാണുമേനോൻ: സർ, ഞാൻ ഈ കട്ട്മോഷനെ എതിർക്കുന്നു. ഇതവതരിപ്പിച്ച പത്തുകൊല്ലത്തേക്കു ഇവിടെ ഒരു ക്രിസ്ത്യൻ ദിവാൻപേഷ്കാർ വേണമെന്നാണ് പറഞ്ഞിരിക്കുന്നതു്.

മിസ്റ്റർ എ. ബി. സേലം: ദിവാൻപേഷ്കാർ ഒരു ക്രിസ്ത്യാനിയായിരിക്കണമെന്നാണ് പറയുന്നതു്.

മിസ്റ്റർ എ. നാണുമേനോൻ: ദിവാൻപേഷ്കാരുടെ ഉദ്യോഗത്തിനു മാത്രമല്ല വേറെ ഉദ്യോഗത്തിനും പറിയതായ ക്രിസ്ത്യാനികൾ ഇവിടെ ഇല്ലായിരുന്നു എന്നു പറയാം. ഞാൻ കാളേജിൽ പഠിച്ചിരുന്നകാലത്തു് നായന്മാരും പട്ടന്മാരും കൂടാതെ ധാരാളം ക്രിസ്ത്യാനികൾ ഇവിടെ ഉദ്യോഗസ്ഥന്മാരായിട്ടുണ്ടായിരുന്നു. എന്നാൽ അവരൊക്കെ തിരുവിതാംകൂർകാരായിരുന്നു. മി. പോത്തൻ ഒരു ജഡ്ജിയായിരുന്നു. അദ്ദേഹവും തിരുവിതാംകൂർകാരനായിരുന്നു. പിന്നെ ക്രിസ്ത്യൻ മൻസിഫ്ഉണ്ടായിരുന്നു. അദ്ദേഹവും തിരുവിതാംകൂർകാരനായിരുന്നു. കൊച്ചിരാജ്യത്തു് അന്നു യാതൊരു ക്രിസ്ത്യാനികളും ആ ഉദ്യോഗങ്ങൾക്ക് അർഹരായിട്ടുണ്ടായിരുന്നില്ല. ഒരുകാലത്തു് ഉദ്യോഗത്തിനു് യോഗ്യതയുള്ള ക്രിസ്ത്യാനികൾ ഇവിടെ ഇല്ലാതിരുന്ന സ്ഥിതിക്കു് പിന്നെ ഇപ്പോഴുണ്ടെന്നു പറഞ്ഞാൽ അതു ശരിയായിരിക്കയില്ല. ഇപ്പോൾതന്നെയല്ല ഒരു പത്തുകൊല്ലം കഴിഞ്ഞാലും ദിവാൻപേഷ്കാരാകാനുള്ള ക്രിസ്ത്യാനികൾ ഇവിടെ ഉണ്ടാകയില്ല.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: ഇപ്പോഴില്ലെ?

മിസ്റ്റർ എം. നാണുമേനോൻ: ഇപ്പോഴില്ല; ഒരു പത്തുകൊല്ലം കഴിഞ്ഞാലും ഉണ്ടാകയില്ല. അതുകൊണ്ടു നടക്കാത്ത ഒരുകാര്യമാണു് ഇവിടെ ബഹുമാനപ്പെട്ട മെമ്പർ കൊണ്ടുവന്നിരിക്കുന്നതു്.

***Mr. V. K. Bhaskara Menon** *(Cranganur)*: I strongly oppose this motion. It has been the view of this House to stress the importance of communal equality. But then that policy has been so perverted now that any silly motion in the interests of communal justice is allowed to be tabled in this House. I think it is high time that this system is checked and I would request Hon'ble members to frown upon such behaviour on the part of the Hon'ble Members.

Upon the motion, Sir. The suggestion of the Hon'ble Member for Chalakkudi was that there has been general poliay on the part of the Government to favour certain communities at the expense of others. I strongly repudiate any such suggestion. My submission is that it was suggested by the Hon'ble Member for Chalakkudi that there has been no Diwan Peishkar in the State who is a Christian. It is an absolute mis-statement, a deliberate mis-statement of the facts, made deliberately, because it is a fact that he thinks that he should be the only qualified person to hold the post of the Diwan Peishkar in the State. My submission to this House is long before the post of the Diwan Peishkar is created in the State there were two Peishkars in the State and late Mr. M. A. Chakko who was one of the Peishkars had not only revenue duties but all the incorporated Devaswams were also under his charge. So that it is a case where a Christian officer had control of caste Hindu institutions, *viz*, the Devaswams. The history of Cochin State has clearly demonstrated that there has been no instance whatsoever where a community has been penalised because of the fact that he belongs to a different religion. There must have been circumstances in which qualified members of the communities were not available. It has been the feature of Cochin, and I think it will be a feature of Cochin that all communities will be given equal chances, equal opportunities to adorn the important posts of the State *(Hear, hear)*.

Apart from that, one more point I would like to bring to the notice of this House. Look at this motion, drafted as it is. We have seen motions confused, absurd and meaningless. Can anybody imagine what exactly this motion means. Under the Standing Orders the motion should be definite and should state the issue. I will read the motion—"To request Government that the Diwan Peishkar should be a Christian for the next 10 years, then an Ezhuva, then a Muslim and so on." Then the thing is very clear. One of the Hon'ble Members suggested that an Ezhuva should have the first preference. I think it is Mr. Panicker. So, the real purpose is that members of the Hon'ble Member's community alone should be preferred and that for 10 years. After that, for an Ezhuva there is not the terrific incidence of 10 years. I think, Sir, that it is high time that such frivolous motions are not placed before this House. Every community should have equal opportunities in service as a member of the caste Hindu people who have got the monopoly and the ability to run a department. Government too has recognised

*Speech not corrected by the Hon'ble Member

LIBRARY ARCHIVES Kerala Legislative Assembly

that in all departments every community should be given equal chances. Yesterday, the Diwan-President pronounced from the Chair that Mr. Raghavan was appointed on communal considerations, so that people of other communities should be made Heads of Departments. In spite of that, if such things are sent—I do not mind their being sent--but still moved and moved seriously, then, Sir, I respectfully submit that this House will look so small in the eyes of the people that it is better to close the Legislative Council than that such things are brought in this House, and talked out.

Mr. A. Madhava Prabhu *(Diwan Peishkar)* : I oppose the motion. I do not think that a long speech is necessary, as the members who spoke have exhausted all the points. In our State, there is no distinction of caste or creed. Nobody is excluded from holding this appointmen by any rule or Standing Order. It is open to the Government to choose a member of any community if in the eyes of the Government it is found that he is fit for the post. It is not also usual to limit any man's appointment by any definite period as is sought in the motion. For these and for other reasons put forward by the Hon'ble Members, I oppose the motion.

***Mr. A. V. Moothedan** *(Chalakkudi)* : Sir, my motion has been characterised as silly, good-for-nothing, meaningless, absurd, confused and compressed. In the Oxford Dictionary, there is no other phrase left. Now, my friend the member for non-Muslim Cranganur has characterised that there is no issue at stake to request the Government. What is the issue here? "To request Government that the Diwan Peishkar should be a Christian for the next 10 years, then an Ezhuva, then a Muslim and so on." Is that not a definite issue? You can have a number of phrases from the Oxford or Chambers Dictionaries, if you study. Then my friend was submitting that there is no grievance for us. Once upon a time in the days of Adam and Eve, Mr. M. A. Chakko was a Tahsildar. Then the position of a Peishkar was only that of a Tahsildar. My friend has been submitting that there was no grievance for the community. My friend Mr. Prabhu will not misunderstand me, because I have to defend myself. The member has been submitting that Christians whenever they had opportunities, they had been appointed to the post, if they are deserving. Now, when Mr. Prabhu was appointed as Diwan Peishkar he was a District Judge. There were 3 District Judges. Who was the seniormost District Judge? Why was Mr. Prabhu preferred?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Is there any principle for which you are fighting, that unrepresented communities should be given preference?

Mr. A. V. Moothedan *(Chalakkudi)*: The Hon'ble Member for Mukundapuram Ezhuvas was submitting the other day that on the Tenancy Committee there must be an Ezhuva. What is the meaning of it? Their object is to decide the claims and counter-claims of jenmies and tenants. My friend was pressing that. Whenever an Ezhuva claim comes, he comes with all eloquence, and when a Christian claim comes here, he opposes. My friend was interrupting me by asking "will you give preference to an Ezhuva first? I say Christians have contributed more to the welfare of the State than the Ezhuvas. That does not mean that the Ezhuvas should not be given their representation. Why should you blame a member when he wants that more representation should be given to Christians. When there were 3 District Judges of whom one was an able Christian Judge as was remarked by the Hon'ble Member for Vadakkancheri, why he was not preferred? Is there any explanation for that? When Mr. Prabhu was an Additional District Judge, was not Mr. Lonappen a District Judge? Of the 3 Judges, he was the seniormost. Have you got a relevant answer for that?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Yes. You do not understand that answer.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ദിവാൻപേഷ്കാരായിരിക്കുവാനുള്ള പ്രത്യേക പരിശീലനം കഴിച്ചിട്ടുള്ള ആളുകൾ വരുമ്പോൾ ആ ആൾക്കല്ലെ മുൻഗണന കൊടുക്കേണ്ടതു?

Mr. A. V. Moothedan *(Chalakkudi)* : I say why he was selected before. I say that step was wrong. Is it on account of seniority?

Mr. V. J. Mathai *(Planters)* : On a point of order, Sir, I request the Chair to rule that we should not discuss matters concerning Hon'ble members especially the members who are unable to answer being on the side of the Government. When Mr. Lonappan is present, to discuss whether he is able or not is placing him in a most awkward situation. The Chair will be pleased to give a ruling that such things whether the member is present or absent, should not be discussed.

Deputy President: The Chair must leave it to the good sense of the Hon'ble Members.

* Speech not corrected by the Hon'ble Member.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. V. Moothedan *(Chalakkudi)*: A point is raised in this House that there is no injustice done to the Christian community. I want to establish that an injustice has been done. When there are 3 District Judges, who is the seniormost? They are all qualified. I do not say about their ability. Who is the seniormost? If such an injustice had been done to the Ezhuva community my friend Mr. Panicker would have turned heaven and earth.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഓരോ സമുദായത്തേയും പ്രത്യേകം പ്രത്യേകം എടുത്തു നോക്കുകയാണെങ്കിൽ ജനസംഖ്യകൊണ്ടു മുന്നണിയിൽ നില്ക്കുന്നതു് ഈഴവസമുദായമാണു്.

Mr. A. V. Moothedan *(Chalakkudi)*: Certainly not. In the whole population of Cochin State, you do not know the population of Christians.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ക്രസ്ത്യൻ എന്നു പറഞ്ഞാൽ അതിൽ എത്ര വിഭാഗങ്ങളുണ്ടെന്നു നോക്കണം. റോമൊ സിറിയൻസിനേയും ലാറ്റിൻസിനേയുംകാൾ കൂടുതൽ ഈഴവരാണു്.

Mr. A. V. Moothedan *(Chalakkudi)*: I said here "Christians" only. I never said Romosyrian, Latins, etc. What is the meaning of the word "Christian" the member does not know.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: എന്നാൽ സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിൽ അതുമതിയായിരുന്നില്ലേ?

Mr. A. V. Moothedan *(Chalakkudi)*: That is all irrelevant, I said in the motion "Christians".

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ക്രസ്ത്യൻ എന്നു പറഞ്ഞാൽ കൂടുതൽ ജനസംഖ്യയുള്ള സമുദായമാണെന്നാണു് ഇതുകൊണ്ടു ആലോചിക്കുവാൻ പോകുന്നതു്.

Deputy President: I have to bring to the notice of the Hon'ble members that if any member wants to interrupt another member he will please stand and interrupt. When he stands the other member who is in possession of the House will sit.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchari)*: When a member is in possession of the House, another member can interrupt. The parliamentary procedure is that the Hon'ble member who is in possession of the House can refuse to give the way to interrupt.

Mr. V. J. Mathai *(Planters)*: I think the written rule is Standing Order No. 17. When a member is in possession of the House and is speaking, if another member wants to speak anything, he must stand and get the eye of the Chair and the Chair must call his name and then he can interrupt.

Mr. A. V. Moothedan *(Chalakkudi)*: Now all these illustrate that there is a great injustice done to the Christian commuuity, because we are dumb and mute. The Ezhuva community will never brook it and the member for Mukundapuram Ezhuvas is saying, if you can give preference to Ezhuvas first, I will support. What is the insinuation? Everybody should support the Ezhuvas.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: പത്തുകൊല്ലത്തേക്കു് എന്നു പറഞ്ഞിട്ടുണ്ടു്. ഞാൻ മരിക്കുന്നതിനുമുമ്പു് ഒരു ഈഴവൻ ഇവിടെ ദിവാൻപേഷ്കാരായി കണ്ടാൽ കൊള്ളാമെന്നു വിചാരിച്ചിട്ടാണു് പറഞ്ഞതു്.

Mr. A. V.Moothedan *(Chalakkudi)*: You say that the period may be reduced to 5 years or any other shorter period instead of saying that Ezhuvas should be given the first preference.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchari)*: Let it be in alternate months. Then I will get a chance.

Mr. A. V. Moothedan *(Chalakkudi)*: The Christains are a disorganised people. Government are taking advantage of that, and they have divided the Christians into 3. The policy of the Government is divide and rule and they have taken advantage of that policy. I think the Ezhuvas should be divided into two categories, the Southern Ezhuvas and the North Ezhuvas. Their laws and customs are different. In the Cochin Kanayannur Taluk, they follow Marumakkathayam, but in the other places follow makkathayam.

Therefore, I want to place before the House that great injustice is done to the Christian community. I myself raised the point here when the Diwan Peishkar was appointed. I am not afraid to raise that point. Even now I am not afraid. Standing Order 16 is also ignored in this case. Government will say equal opportunities should be given. My friend the non-Muslim member for Cranganur was eloquent, because, when it affects his interests he makes an impartial judgment on the matter.

Mr. V. K. Bhaskara Menon *(Cranganur)*: The present Diwan Peishkar does not belong to my community, but to an unrepresented community.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. V. Moothedan *(Chalakkudi)*: Christians, Ezhuvas, Muslims, Ezhuthassans, Gouda Saraswat Brahmins, Nambudiries are all unrepresented communites. Now, who should be given the first preference? I say population alone should be taken into account. I say this demonstration here is not conducive to the best progress of the State. By this we will not be inclined to support their claims, because when a Christian claim comes, they are simply opposing.

Then it was raised, do you agree for the repeal of the provision in the Government of Cochin Act that one of the Judges of the High Court should be a Christian? Now, that provision is going on now. It is a beneficial provision. It is not altogether beneficial. There are some disadvantages now, when there are two persons qualified to be appointed for the High Court. They stated that they do not want two Christians in the High Court.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Was it ever raised?

Mr. A. V. Moothedan *(Chalakkudi)*: You can raise it only when you get full responsible Government which is responsible to the Legislature. If there is a Council of 3 Ministers for the administration of the State, though we Christians are so dis-organised and quarrelling among ourselves, even then we are sure one of us will be in the Council of Ministers, and we will see that a Christian Judge is there in the High Court. Till we get full responsible Government in the State, we want the provision there. This provision also, I say that soon after the war we willget, when we will have full responsible Government.

My friends the Hon'ble Member for Mattancheri, and the Hon'ble Member for Planters, their ideas of communal representation are well known. My friend boasts to be a member of that community called 'humanity'. If that is so, it is only natural, that we belong to that community to which our friend the Hon'ble Member for Cranganur non-Muslims belongs, that community which is highly placed or fully represented or over-represented. Have a look at that. I wanted to make it more generally, and so I said 'Christians'. Some calculations had been given by the Hon'ble Member for Planters. They are all absurd calculations. If the calculation is followed, nothing can be done. Even according to this, for Christians it may be 10 years, and after 5 years a Jacobite or Romo Syrian can be appointed. This is glaring injustice. So many representations bad been made to Mr. Herbert when he was the Diwan. Subsequently also there have been representations. Therefore, even if I do not press this motion, do not be under the impression that there is no injustice done to the Christian community. I say we are most aggrieved by these appointments of the Government. With these words, I may be allowed to withdraw my motion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: On a point of order, Sir, I pray for a ruling from the Chair whether, when leave is sought for for the withdrawal of a motion, if there is any slightest dissentient voice heard from the House, the Hon'ble member asking for leave should be given the leave to withdraw or should not. I maintain Sir, that when the slightest murmur of "no" is heard, it is sufficient indication not to allow the Hon'ble Member leave to withdraw the motion or the cut, whatever it is. That is also the precedent of this House, Sir, incorporated in the proceedings of this Council which I pointed out yesterday to the Hon'ble President. I raised that point yesterday and there has not been given a ruling one way or the other. I maintain, Sir, with reference to the proceedings pointed out yesterday that there had not been a ruling on the point of order raised by me. As a special case, it was considered and leave to withdraw was granted. Therefore, Sir, on the point of order, I request that the Hon'ble Chair may be pleased to give a substantial ruling now, and if it is the position that yesterday's attitude in giving permission is a ruling which is in cancellation of the previous ruling, I again raise the same point of order and pray that you will be pleased now to rule out yesterday's ruling. I have a right to get annulled what has been responsible for annulling a precedent. So, what is given by the Hon'ble Chair today will prevail till that is ruled out tomorrow or later, I am sure. My point of order is this, that you will be pleased to rule definitely one way or other. Yesterday, according to me, there was no ruling. It was only considered as a special case.

Mr. V. J. Mathai *(Planters)*: On this point of order, I have to submit one thing. On reflection I find very strong support in the point of order raised. The reasoning is this. If a member—I won't say vainly—to test the sense of the House wants to take up the time of the House by a fruitless discussion of a question *(hear, hear)*, tentatively, what we call 'fishing' in law, and he is not prepared to have an adverse vote on the question, he puts it into discussion and wants to withdraw from the position to which he has committed himself, to which he has committed the House and which he has committed the the Chair too. Should he be allowed to do so. That is the point.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. V. Moothedan *(Chalakkudi)*: If the Chair allows me, I will press it for a division.

Deputy President: The House is at liberty to grant or refuse leave. If the House is willing to grant leave, it may do so. I follow the ruling given by the President, yesterday on this point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I have raised a point of order, Sir, that yesterday there was no ruling. In the ruling now given, it is not specifically stated.

Deputy President: Even if there was no ruling yesterday on this point I now rule that the hon'ble member may withdraw this motion, if the House is willing to grant him leave to do so.

The motion for leave to withdraw the cut motion was put and lost.

Mr. A. B. Salem *(Mattancheri)*: Poll, Sir.

Ayes

1. Mr. A. V. Moothedan.
2. ,, Ephraim Ouseph.
3. ,, C. V. Iyyu.
4. ,, K. J. Thomas.
5. ,, K. R. Ramakrishnan.
6. ,, M. Krishna Menon.
7. ,, Joseph Pettah.
8. ,, K. M. Ibrahim.
9. ,, K. S. Panicker.
10. ,, A. T. Kunhipalu.
11. ,, K. R. Achyutan.
12. ,, B. M. Peter.
13. ,, K. T. Achyutan.
14. ,, P. P. Devassi.
15. ,, C. J. Louis.

Noes

1. Mr. A. B. Salem.
2. Mrs. Joshua.
3. Mr. V. J. Mathai.
4. ,, M. Nauu Menon.
5. ,, V. K. Bhaskara Menon.
6. ,, C. N. Ittiravi Nambudiripad.
7. ,, K. Ashtamoorthi Namburipad.
8. ,, C. Kunhan Nambudiripad.
9. ,, A. Eachara Menon.
10. ,, T. S. Ramachandra Ayyar.
11. ,, K. Narayana Menon.
12. ,, C. K. Nayar.
13. ,, P. Kumaran Ezhuthassan.
14. ,, K. Kunhiraman Menon.
15. ,, N. Subbarayan Chettiar.
16. ,, T. A. Ramachandra Ayyar.

Neutrals

1. Mr. N. Govinda Pai.
2. ,, Shabdai S. Koder.
3. ,, V. K. Kutty.
4. ,, P. K. Krishnan.
5. ,, T. Narayana Menon.
6. Khan Sahib Y. Muhammad Roshan Sahib Bahadur.
7. Mr. M. M. Paul.
8. ,, M. Sivarama Menon.
9. Mr. C. J. Mathew.
10. ,, A. Madhava Prabhu.
11. Rama Varmha Tampuran.
12. Mr. T. K. Nayar.
13. Rao Sahib I. N. Menon.
14. Rao Sahib Dr. T. Verghese.
15. Mr. P. V. Lonappan.
16. ,, P. V. Raphael.
17. ,, V. K. Aravindaksha Menon.

Mr. V. K. Bhaskara Menon *(Cranganur)*: On a point of order, Sir, May I know, Sir whether any neutral when called upon to stand, can refuse to stand up. As it is there are 56 members in this House. I would like to know whether any member can refuse to stand up when neutrals are counted.

Mr. V. J. Mathai *(Planters)*: In support of that point of order, I have to submit that the Chair has got the power to order any member to behave according to the rules, and the Chair can order any member to vote. For the polling to be complete, it is necessary that every member should stand up, because the constituencies which they represent and the public may know what they represent in the Council. For these two reasons, I request the Chair to order the ayes, noes or neutrals to stand up.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: In further support of that position, I will invite the attention of the Hon'ble Chair to the decision arrived at by one of your distinguished predecessors that there is no option for any member of the House to do as he likes. That has been the precedent and the ruling by no less a person than Sir Shanmukham, an eminent Parliamentarian.

Mr. V. K. Bhaskara Menon *(Cranganur)*: Here, there are three types, ayes, noes and neutrals. There should be some sort of reasonableness in the behaviour of the Legislature. So, I should like to have a ruling.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Shabdai S. Koder *(Nominated)*: I may just point out that during the time of Mr. Sankara Menon when he was on the Presidential Chair, said that we cannot compel a man to stand up.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: He has never made a ruling. He has expressed his helplessness, when the member refused to obey the orders of the Chair.

Mr. V. K. Bhaskara Menon *(Cranganur)*: I want a ruling on the point, Sir.

Deputy President: When the neutrals are requested to stand up, they will have to stand.

Mr. V. J. Mathai *(Planters)*: Now I may point out that the Hon'ble Minister has not stood up either for ayes, or for noes, or for neutrals. I request the Chair to give a ruling.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: Under the Government of Cochin Act, the Minister can never vote on any motion. He is somebody whom this House should consider only as the Hon'ble Minister for Rural Development.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: I think the Minister has voted several times.

Mr. V. J. Mathai *(Planters)*: We are placed in a most important situation, and this affects the fundamental rights of the House. I pray that the Chair will bestow the attention which it deserves.

Mr. V. K. Bhaskara Menon *(Cranganur)*: There is a provision in the Act to appoint a Minister for 6 months.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: There cannot be a Minister who is not a member of this Council. Is it the case of the Hon'ble Member for Crangauur that the Hon'ble Minister must exercise the right of vote as an elected member, or sit in his seat as a Minister ?

Mr. V. K. Bhaskara Menon *(Cranganur)*: He is bound to say that he is neutral.

Mr. K. Narayana Menon *(Mulakunnathukavu)*: It should be presumed.

Mr. V. K. Bhaskara Menon *(Cranganur)*: The presumption is only in your statement.

Mr. M. Sivarama Menon *(Advocate-General)*: The Minister and the Advocate-General occupy a peculiar position. If the Minister is an elected member of this House, he is entitled to exercise this vote. The Advocate-General can also vote when he is a regular nominated member of this House. The second proviso to section 13 of the Government of Cochin Act does not come into play in this case.

Mr. V. K. Bhaskara Menon *(Cranganur)*: If he is neutral there is the neutral not standing up. Nobody is disputing that there are sections in the Act.

Mr. A. V. Moothedan *(Chalakkudi)*: The ruling has been made just now. I saw the neutrals were standing. The Hon'ble Minister did not stand up. So, it will apply only to future cases.

Deputy President: 15 for, 16 against and 17 neutrals including the Minister.

Mr. V. J. Mathai *(Planters)*: The Minister is remaining neutral and he has not stood up when neutrals were called upon to stand. So, in future, am I at liberty to remain in my seat even though I have not voted either as ayes or noes, when the neutrals are called upon.

Deputy President: The neutral also must stand. That is the ruling.

Mr. A. V. Moothedan *(Chalakkudi)*: The motion may be put to vote.

The cut motion put to vote and lost.

Mr. C. V. Iyyu *(Kunnamkulam)*: Before moving my cut motion I just want to know whether there had been any order prohibiting the erection of churches or temples or mosques or other places of worship if the order has not been issued or the petition rejected within 90 days ? If there is no such thing, then I do not want to move. I shall make my position very clear. In the matter of the erection of churches or other places of worship, a petition ought to be handed over to the Diwan Peishkar in the prescribed form and if that petition is disallowed within 90 days, of course the place of worship cannot be erected. If no reply is received within 90 days, on the 91st day the petitioners can erect the places of worship. That was the rule existing till recently. I was told that that rule has been changed. Will the Hon'ble Member for Revenue be pleased to give that information ?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: That rule has been changed and it has been notified. It is now the existing rule.

Mr. C. V. Iyyu *(Kunnamkulam)*: May I know whether it has heen recently changed ?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: Yes.

Mr. C. V. Iyyu *(Kunnamkulam)*: May I know what is the rule ?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: There is no rule, but there is the law.

Mr. C. V. Iyyu *(Kunnamkulam)*: Do you mean to say that the Act has been amended ?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: The Act has not been amended. The Act is what it was.

Mr. C. V. Iyyu *(Kunnamkulam)*: If a request for the erection of a place of worship is neither accepted nor rejected within 90 days, the previous custom was to erect it.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: There is no such thing.

Mr. C. V. Iyyu *(Kunnamkulam)*: In the Act there was a clear provision that within 90 days if a reply is not received, the construction can be done.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: There was a rule before and that was ultra vires

Mr. C. V. Iyyu *(Kunnamkulam)*: So, there was a rule and that rule has been removed.

CUT MOTION No. 8

Raising the status and emoluments of Village officers

Mr. V. J. Mathai *(Panters)*: The cut motion is *to reduce the allotment of Rs.90, 979 A. Establishment——Salaries by Re. 1.* The object is to bring to the notice of the Government the need for raising the status and emoluments of the Village Officers.

Sir, this matter has been discussed at great length several times in the House and I was always feeling that the House was sympathetic to the Village Officers. The Village Menons get Rs. 16 and Parvathiams Rs. 18. Every one of us knows the multifarious duties that devolve upon the Menons and Parvathiams.

The cry is that, as I once termed the Diwan Peishkar as the residuary officer of the State, likewise these officers are residuary officers, if anything comes up and if there is no department for it, it is shunted on to the Diwan Peishkar. For instance, food production, Civil Supplies, etc., all were with the Diwan Peishkar. If a man applies for being recruited to the I. C. S., it is sent to the Diwan peishkar. The Diwan Peishkar sends it to the Tahsildar and the Tahsildar sends it to the Village Officers. The Village Officers have to make the enquiries and send the report. Over and above these, there is the survery work and fixing of boundaries. The further fact is that they do not get any proper batta when they travel to the Treasury. I am told they are given next to nothing. In these days of scarcity a meal costs 8 annas or more. So, you can understand the cry of these people. At least they should be given Rs. 30 to raise their status. When their status and emoluments are improved there should be certain qualifications prescribed for future. recruitment. The reason is self-evident. They have got an association. That association by a resolution have stated all their grievances. I find them just but I don't state them now for want of time. When you give great responsibilities to officers, unless you give them the wherewithal to maintain themselves, the public will suffer. You must remember that these officers are situated beyond the reach of the eyes of the Superior Officers. There are several matters in which they can supplement their income. Does Government expect them to do that? If you expect them to be uncorrupt and incorruptable and if you expect people not to be troubled by these officers, please, raise their income and status. Therefore it is more on behalf of the agricultural population than on behalf of the Village Menons and Parvathiams that I raise this cry for the discussion and acceptance of the House.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know from the Hon'ble Member whether he wants to limit it to Parvathiams and Menons and whether he wants to include the Masapidies and peons.

Mr. V. J. Mathai *(Planters)*: I am thankful to the Hon'ble Member for Cranganur. I have no objection to include Masapadies and Peons also.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: This is a subject, Sir, which ought to engage the serious attention of this House and I am confident that it will be viewed with the seriousness that the proposition demands. This is a subject wnich touches the emoluments of 343 officers of the State Machinery and as conceded in reply to the question of the Hon'ble Member for Cranganur the Hon'ble mover of the cut prepared to take within the purview of this cut motion the menials also, it is a proposition which affects not 343 but 689 paid servants of the Government of Cochin inclusive of menials. If you dispute the figures the information is contained at pages 29 and 30 of the Budget that is put into our hands. I would prefer, Sir, a change in the sequence of the words of the cut. Here the cut reads "the need for raising the status and emoluments of Village Officers". I would have preferred to have it "the need for raising the moluments and thereby the status of Village Officers", because in the State there is a feeling that the status of an officer whether it be low or high, is measured by the salary that is

LIBRARY ARCHIVES Kerala Legislative Assembly